(415) 954-4400

PURSUANT TO FED. R. CIV. P. 41(a)(1)

NOTICE IS HEREBY GIVEN that, pursuant to Rule 41(a)(1) of the Federal Rules of

Civil Procedure, the above-entitled action is hereby voluntarily dismissed with prejudice by

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2209 FORTS I Judge Susan Illston

plaintiff Serious Materials, LLC.

Dated: October 30, 2007

FARELLA BRAUN & MARTEL LLP

By: /s/ June T. Tai June T. Tai

Attorneys for Plaintiff/Counter-defendant SERIOUS MATERIALS, LLC